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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 1336**
Shigeru YAMAGO et al. : Attorney Docket No. 2005_0119A
Serial No. 10/523,611 : Group Art Unit 1713
Filed February 7, 2005 : Examiner Michael Bernshteyn

PROCESS FOR PRODUCTION OF LIVING
RADICAL POLYMERS AND POLYMERS

Mail Stop Amendment

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEE FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975.

Sir:

This is responsive to the Office Action of May 10, 2006, wherein the Examiner has required restriction among (I) claims 1-6 and 13-27, (II) claims 7-8, and (III) claims 9-12. The restriction requirement is respectfully traversed, for the reasons set forth below.

Initially, Applicants note that the International Preliminary Examination Report does not indicate lack of unity of invention.

The Examiner states that the inventions of Groups I-III do not relate to a single general inventive concept because they lack the same or corresponding special technical features. However, according to MPEP 1893.03(d), the expression "special technical features" is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, "makes over the prior art." The Examiner has failed to cite any reference which indicates that any of the present claims fails to define over the prior art. Therefore, the presumption is that the inventions of Groups I-III do have the same or corresponding special technical features.

Also in this regard, the Examiner states that the special technical feature of each group of claims is not present in the other groups. However, to the contrary, all of Groups I-III are directed to claims which require both a living radical polymerization initiator represented by the formula (1) and a compound represented by the formula (2). These features are present in all of the claims in each of Groups I-III.

For the above reasons, Applicants respectfully traverse the requirement for restriction.

In order to be fully responsive to the Office Action, Applicants hereby elect the subject matter of Group I, i.e. claims 1-6 and 13-27, with traverse.


This election is made while reserving Applicants' rights under 35 U.S.C. §121 to file a divisional application for the non-elected subject matter.

Action on the merits of all of the claims present in the application is requested.

Respectfully submitted,

Shigeru YAMAGO et al.

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